

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

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THE TEN EYCK MINERAL TRUST,  
BY C. ANDREW TEN EYCK, TRUSTEE,

Case No.: 1:14-cv-00201

Plaintiff,

Honorable Gordon J. Quist

vs.

CHESAPEAKE ENERGY CORPORATION,  
SILVER LAKE ENERGY, LLC,  
ENCANA CORPORATION and  
ENCANA OIL & GAS, (USA) INC.

Defendants.

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**PLAINTIFF TEN EYCK MINERAL TRUST’S MOTION FOR PARTIAL  
RECONSIDERATION OR, IN THE ALTERNATIVE,  
FOR LEAVE TO AMEND COMPLAINT**

Plaintiff Ten Eyck Mineral Trust (“**Ten Eyck**”), by its attorneys, Warner Norcross & Judd LLP, moves this Court for partial reconsideration of its Order Granting in Part and Denying in Part Defendants’ Motions to Dismiss (Dkt. 33). Ten Eyck asks this Court to reconsider its decision in this Order to dismiss Ten Eyck’s breach of contract claim against Chesapeake and hold instead that Ten Eyck can proceed with its claim. Alternatively, Ten Eyck also moves under Fed. R. Civ. P. 59(e) for this Court to amend its decision on the breach of contract claims from one with prejudice to one without prejudice, to allow Ten Eyck to amend those claims in its Complaint – in the interests of justice and common federal practice. And, finally, Ten Eyck seeks leave to amend under Fed. R. Civ. P. 15(a)(2) to add a claim against Chesapeake and Silver Lake under the Racketeering Influenced and Corrupt Organizations Act (18 U.S.C. § 1961 et seq.).

Plaintiff’s counsel certifies that they have sought Defendants’ concurrence in the relief requested in this motion, but concurrence was not obtained.

Dated: November 18, 2014

By: /s/ Lance R. Zoerhof  
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